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13 *Toshiba America, Inc.,*

14 *Toshiba America Consumer Products, LLC,*

15 *Toshiba America Information Systems, Inc., and*

16 *Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)  
21 ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

22 This Document Relates to:  
23 *Costco Wholesale Corporation v. Hitachi, Ltd.,*  
24 *et al.*, No. 11-cv-06397

**DECLARATION OF  
LUCIUS B. LAU IN SUPPORT OF  
THE TOSHIBA DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
PURSUANT TO CIVIL LOCAL  
RULES 7-11 AND 79-5(d)**

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DECLARATION OF LUCIUS B. LAU IN SUPPORT OF THE TOSHIBA  
DEFENDANTS' ADMINISTRATIVE MOTION TO FILE DOCUMENTS  
UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944-SC  
MDL No. 1917

1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for  
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer  
4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic  
5 Components, Inc. (collectively, the “Toshiba Defendants”).

6 2. I submit this declaration in support of the Toshiba Defendants’ Administrative  
7 Motion to File Documents Under Seal Pursuant to Civil Local Rules 7-11 and 79-5(d), dated  
8 November 7, 2014, filed contemporaneously herewith. I have personal knowledge of the  
9 facts stated herein, and I could and would competently testify thereto if called as a witness.

10 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No.  
11 306) (the “Stipulated Protective Order”).

12 4. Plaintiffs ABC Appliance, Inc.; Alfred H. Siegel, as Trustee of the Circuit  
13 City Stores, Inc. Liquidating Trust; Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy  
14 Enterprise Services, Inc.; Best Buy Stores, L.P.; BestBuy.com, LLC; CompuCom Systems,  
15 Inc.; Costco Wholesale Corporation; Dell Inc.; Dell Products L.P.; Electrograph Systems,  
16 Inc.; Electrograph Technologies Corp.; Interbond Corporation of America; Kmart  
17 Corporation; Magnolia HI-FI, Inc.; MARTA Cooperative of America, Inc.; Office Depot,  
18 Inc.; P.C. Richard & Son Long Island Corporation; Schultze Agency Services, LLC; Sears,  
19 Roebuck & Co.; Sharp Electronics Corporation; Sharp Electronics Manufacturing Company  
20 of America, Inc.; Target Corp.; Tech Data Corporation; Tech Data Product Management,  
21 Inc.; and ViewSonic Corporation (collectively, the “Direct Action Plaintiffs”) have  
22 designated Exhibit A to various interrogatory responses submitted by the Direct Action  
23 Plaintiffs as “Highly Confidential” under the Stipulated Protective Order.

24 5. The Toshiba Defendants have provided in these actions deposition testimony  
25 designated as “Highly Confidential” pursuant to the Stipulated Protective Order.

26 6. On November 7, 2014, the Toshiba Defendants filed the Toshiba Defendants’  
27 Joinder to Defendants’ Joint Motion for Partial Summary Judgment Against Certain Direct  
28 Action Plaintiffs on Due Process Grounds (“Toshiba Defendants’ Joinder”).

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1           7.       On November 7, 2014, the Toshiba Defendants filed the Declaration of Lucius  
2 B. Lau in Support of the Toshiba Defendants' Joinder ("Lau Decl.").

3           8.       Exhibits 1-4 to the Lau Decl. are excerpts from deposition testimony  
4 designated "Highly Confidential" under the Stipulated Protective Order.


5           9.       Portions of the Toshiba Defendants' Joinder contain discussions of the above-  
6 specified "Highly Confidential" material. Pursuant to the protective order, the Toshiba  
7 Defendants filed those portions of the Toshiba Defendants' Joinder under seal.

8           10.      Exhibits 1-4 to the Lau Decl. are filed under seal because they contain  
9 confidential, nonpublic, and highly sensitive business information. They contain  
10 confidential, non-public information about the Toshiba Defendants' sales practices, business  
11 and supply agreements, and competitive positions. The documents describe relationships  
12 with companies — including customers and vendors — that remain important to the Toshiba  
13 Defendants' competitive positions. Upon information and belief, publicly disclosing this  
14 sensitive information presents a risk of undermining the Toshiba Defendants' relationships,  
15 would cause harm with respect to the Toshiba Defendants' competitors and customers, and  
16 would put the Toshiba Defendants at a competitive disadvantage.

17           11.      Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order  
18 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the  
19 Protective Order, the above-mentioned materials should be maintained under seal.

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21           I declare under penalty of perjury under the laws of the United States of America that  
22 the foregoing is true and correct.

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24           Executed this 7<sup>th</sup> day of November, 2014, in Washington, D.C.

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28           Lucius B. Lau

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**CERTIFICATE OF SERVICE**

On November 7, 2014, I caused a copy of “DECLARATION OF LUCIUS B. LAU IN SUPPORT OF THE TOSHIBA DEFENDANTS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Lucius B. Lau

Lucius B. Lau

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